

**IN THE UNITED STATES DISTRICT COURT  
OF MINNESOTA**

Dr. Jack Baldwin, DDS	)	
	)	
Plaintiff,	)	Case No. 0:19-cv-03141-SRN-BRT
	)	
v.	)	Honorable Susan Richard Nelson
	)	
Delta Dental Plans Association, et al.,	)	<b>STIPULATION AND PROPOSED</b>
	)	<b>ORDER REGARDING TIME TO</b>
Defendants.	)	<b>RESPOND TO CLASS ACTION</b>
	)	<b>COMPLAINT</b>
	)	
	)	

Plaintiff Dr. Jack Baldwin, DDS (“Plaintiff”) and Defendants<sup>1</sup>, by and through their undersigned counsel, respectfully request that this Court enter the below Order regarding Defendants’ time to respond to Plaintiff’s Class Action Complaint. In support of this request, the parties state as follows:

1. Plaintiff’s Complaint was filed on December 20, 2019. Plaintiff filed an Amended Complaint on January 6, 2020.

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<sup>1</sup> Defendants include Delta Dental Plans Association (“DDPA”); DeltaUSA; Delta Dental Insurance Company; Arizona Dental Insurance Service, Inc. d/b/a Delta Dental of Arizona; Delta Dental Plan of Arkansas, Inc.; Delta Dental of California; Colorado Dental Service Inc. d/b/a Delta Dental of Colorado; Delta Dental of the District of Columbia; Hawaii Dental Service; Delta Dental Plan of Idaho, Inc. d/b/a Delta Dental of Idaho; Delta Dental of Illinois; Delta Dental Plan of Indiana, Inc.; Delta Dental of Iowa; Delta Dental of Kansas Inc.; Delta Dental of Kentucky, Inc.; Maine Dental Service Corporation d/b/a Delta Dental Plan of Maine; Dental Service of Massachusetts Inc. d/b/a Delta Dental of Massachusetts; Delta Dental Plan of Michigan, Inc.; Delta Dental of Minnesota; Delta Dental of Missouri; Delta Dental of Nebraska; Delta Dental Plan of New Hampshire, Inc.; Delta Dental of New Jersey, Inc.; Delta Dental Plan of New Mexico, Inc.; Delta Dental of New York Inc.; Delta Dental of North Carolina; Delta Dental Plan of Ohio, Inc.; Delta Dental Plan of Oklahoma; Oregon Dental Service d/b/a Delta Dental of Oregon; Delta Dental of Pennsylvania; Delta Dental of Puerto Rico, Inc.; Delta Dental of Rhode Island; Delta Dental of South Dakota; Delta Dental of Tennessee; Delta Dental Plan of Vermont, Inc.; Delta Dental of Virginia; Delta Dental of Washington; Delta Dental Plan of West Virginia, Inc.; Delta Dental of Wisconsin, Inc.; and Delta Dental Plan of Wyoming d/b/a Delta Dental of Wyoming.

2. Currently pending before the United States Judicial Panel on Multidistrict Litigation (the “JPML”) is a motion filed pursuant to 28 U.S.C. § 1407 to consolidate this and other related civil actions (collectively, the “Related Actions”) for pretrial proceedings.

3. As of the date of this filing, at least twenty-three Related Actions are pending against various groups of Defendants in at least eight states and ten different district courts.

4. In light of the proceedings before the JPML and so as to minimize the burden on the Court and the parties during the pendency of the JPML proceedings, Plaintiff and Defendants have stipulated to the following:

A. Defendants who have not been served with Plaintiff’s Amended Class Action Complaint will waive formal service of process pursuant to Fed. R. Civ. P. 4(d) and such waiver shall date back to the date of filing of Plaintiff’s Amended Complaint, January 6, 2020.

B. Plaintiff agrees that, absent a court order to the contrary and except as provided below, the date by which the Defendants shall answer or otherwise respond to the complaint shall be extended to March 6, 2020.

C. If the JPML orders that the pretrial proceedings in this action be coordinated or consolidated with any other action in a single district pursuant to 28 U.S.C. § 1407, then, unless ordered otherwise by the MDL transferee court and to the extent that Defendants have not already filed a responsive pleading, Defendants shall, as permitted by Rule 12 of the Federal Rules of Civil Procedure, answer, move, or otherwise plead in response to the operative complaint within sixty (60) days after all plaintiffs in the coordinated or consolidated actions serve a consolidated amended complaint. If Defendants move in response to the operative complaint, Plaintiff will have the same time to oppose as provided to Defendants to move.

D. If the JPML does not order that the pretrial proceedings in this action be coordinated or consolidated with any other action in a single district, then, unless ordered otherwise and to the extent that Defendants have not already filed a responsive pleading, Defendants shall, as permitted by Rule 12 of the Federal Rules of Civil Procedure, answer, move, or otherwise plead in response to the operative complaint within thirty (30) days after service of the JPML ruling. If Defendants respond to the operative complaint by filing a motion under Rule 12, Plaintiff shall have thirty (30) days to file an opposition, after which Defendants shall have twenty-one (21) days to file a reply.

E. Plaintiff and Defendants further stipulate and agree that the entry into this stipulation by Defendants shall not constitute a waiver of any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, a waiver of any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure, a waiver of any right to compel arbitration of any claim or issue in this or any other action, or a waiver of any other statutory or common law defenses that may be available to Defendants in this and the other Related Actions. Defendants expressly reserve their rights to raise any such defenses in response to either the current Complaint or any amended complaint that may be filed relating to this action.

F. Defendants specifically reserve their right to petition this Court for a stay of all proceedings pending a ruling by the JPML on the motion to consolidate the related actions. *See supra*, ¶ 2. Plaintiff similarly reserves its right to oppose any such motion.

Dated: January 9, 2020

Respectfully submitted,

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and Delta Dental Plan of Wyoming d/b/a  
Delta Dental of Wyoming and for purposes  
of this Stipulation only, on behalf of Delta  
Dental Insurance Company, Delta Dental of  
California, Delta Dental of the District of  
Columbia, Delta Dental of New York Inc.,  
Delta Dental of Pennsylvania, Delta Dental  
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West Virginia, Inc., Delta Dental of Illinois,  
Colorado Dental Service, Inc. d/b/a Delta  
Dental of Colorado, and Delta Dental of  
Virginia, Arizona Dental Insurance Service,  
Inc. d/b/a Delta Dental of Arizona, Hawaii  
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SO ORDERED this \_\_\_\_\_ day of January, 2020.

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HONORABLE SUSAN R. NELSON

**CERTIFICATE OF SERVICE**

I, Renae Steiner, an attorney, hereby certify that on January 9, 2020, I caused a true and correct copy of the foregoing **STIPULATION AND PROPOSED ORDER REGARDING TIME TO RESPOND TO CLASS ACTION COMPLAINT** to be filed and served electronically via the Court's CM/ECF system.

/s/ Renae Steiner  
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